IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FIRST APPEAL NO. 2269 OF 2006

Smt. Hirabai Laxman Dodhmal & Ors. ...Appellants
V/s.
Ashok Daulat Dighe & Ors. ...Respondents

Mr. P.J.Thorat for the Appellants.
Mr. Rameshwaran Gite for Respondents 1 & 2.

CORAM: S.K.SHAH,J.
DATE : 12th April, 2007

P.C.

1. Admit and finally heard with the consent of Counsel on both sides.

2. The only grievance with regard tothe judgment of the Motor Acident Claims Tribunal, Nashik, is that the Tribunal had reached the wrong multiplier of 8 after having givenm the annual loss of dependency of Rs.24,000/-. The deceased was aged 40 years. As per the Schedule to the Motor Vehicles Act, for age 35 years and not exceeding 40 years, the multiplier is 16. As observed by the Apex Court in the case of Abati Bezba-ruah vs. Dy. Director General, Geological Survey of India and another, reported in AIR 2003 SC 1817, the Schecdule should be followed. It is obvious that the Schedule is not followed for the purpose of calculation of compensation. The learned Tribunal has not given reasons for not following the multiplier given in the schedule. Therefore, the Tribunal has committed an error in adopting the multiplier of 8 for arriving at the compensatioon. The multiplier should have been 16.

3. Taking the multiplier of 16, the amount of compensation takiong the annual loss of dependency of Rs.24,000/- would come to Rs.3,84,000/-. Therefore, the total compensation which the Tribunal should have awarded would come to Rs.3,93,500/- including Rs.2,000 towards funeral expenses and Rs.2,500 towards the loss of estate. Therefore, the Awsard passed by the Tribunal is modified as under :-

(i) The original Respondents Nos. 2 and 3 jointly and severally shall pay to the Appel-lants Rs.3,43,500/- (Rs.3,93,500 minus Rs.50,000/- which is already paid on account of no fault liability) with interest at the rate of 7.5% per annum from the date of Petition till realisation of the full amount.

(ii) The balance amount shall be deposited with the Tribunal within eight weeks from today.

(iii) The Appellants to pay the deficit Court fee within four weeks from today.

The Appeal is disposed of.

(S.K.SHAH,J.)